

**FORM TO BE USED BY PRISONERS IN FILING A COMPLAINT
UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. § 1983
in the UNITED STATES DISTRICT COURT for the SOUTHERN DISTRICT of GEORGIA**

Jerome Curry #1291270

CV 313 064

(Enter above full name of plaintiff or plaintiffs)

v.

Commissioner of Department of Corrections Brian
Owens, Warden Jose Morales, Deputy Warden Larry
Butts, Deputy Warden Tim Jones, Unit Manager
James Jackson, Chief Counselor Ms. Tracy Lumpkin etc.
(Enter above full name of defendant or defendants)

FILED
U.S. DISTRICT COURT
AUGUSTA DIV.
2013 AUG 29 AM 10:00
CLERK Adams
SO. DIST. OF GA.

I. Previous lawsuits

- A. Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action? Yes ☒ No ☐

If your answer is "Yes," describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline.)

1. Parties to this previous lawsuit:

Plaintiffs: Same parties listed in the above application

Defendants: Same parties listed in the above application

2. Court (if federal court, name "_____" it, name the county):

District Court for the Southern District of Georgia

3. Docket number: under CV113-034 in which was dismissed

4. Name of judge: Judge J. Randal Hall

5. Disposition
(for example, was the case dismissed? appealed? is it still pending?):

dismissed & Appealed

6. Approximate date of filing lawsuit: June 13, 2013

7. Approximate date of disposition: August 13, 2013

8. Were you allowed to proceed in forma pauperis (without prepayment of fees)? I sent Petition for order I never filled out Yes ☒ No ☐
papers or Application to proceed in forma pauperis

- B. While incarcerated or detained in any facility, have you brought any lawsuits in federal court which deal with facts other than those involved in this action?
Yes ☒ No ☐

If your answer to B is yes, describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline.)

1. Parties to previous lawsuit: To the best of my knowledge ↓

Plaintiffs: Jerome Curry

Defendants: Harold A. Hinesley, et al, Curry v. Yang 2:11-cv-01687-TAC (D.S.C. Nov 2, 2011)
Curry v. Charleston Det. Det. Ctr 0:10-cv-02823-HFF (D.S.C. July 25, 2011)
Curry v. Hughston 2:11-cv-00487-HFF (D.S.C. April 19, 2011)

2. Court name district:

Southern District of Georgia / District of South Carolina

3. Docket number: CV113-034 / 2:11-cv-01687-TAC / 0:10-cv-02823-HFF / 2:11-cv-00487-HFF

4. Name of judge assigned to case: Judge J. Randall / others unknown at time

5. Disposition
(for example, was the case dismissed? appealed? is it still pending?):

dismissed yet I did filed an appeal case no: CV113-034

6. Approximate date of filing lawsuit: Can't recall exact dates

7. Approximate date of disposition: can't recall exact date
8. Were you allowed to proceed *in forma pauperis* (without prepayment of fees)? Yes ☒ No ☐

- C. As to any lawsuit filed in federal court where you were allowed to proceed *in forma pauperis*, was any suit dismissed on the ground that it was frivolous, malicious, or failed to state a claim? Yes ☒ No ☐

one

1. If your answer to C is yes, name the court and docket number for each case:

Curry v. Yang 2:11-cv-01687-TMC
(D.S.C. Nov 8, 2011)

- II. Place of present confinement: Johnson State Prison

- A. Is there a prisoner grievance procedure in this institution? Yes ☒ No ☐
- B. Did you present the facts relating to your complaint to the appropriate grievance committee? Yes ☒ No ☐

- C. If your answer to B is yes:

1. What steps did you take? Filed prison grievances in which some were denied and some were not accepted or even filed when I turn them in. It was given back to me by counselors while I was in lock up unit lock down 24 hours a day in two men cell.
2. What was the result? Most of my grievances has been given back to me and not filed, others have been denied due to grievance being heard before same officials that are violating civil rights

3. Did you appeal any adverse decision to the highest level possible in the administrative procedure? Yes ☒ No ☐

If yes, what was the result? Grievance denied see attachment of all Exhibits A-F. Grievances are being heard before officials that I have filed grievances and complaints against and therefore being denied violating due process fair proceedings

- D. If you did not utilize the prison grievance procedure, explain why not: The only reason I did not utilize the grievance procedure in some of my claims is due to the fact that some officials that was violating my civil rights was some officials that was hearing grievances and denying them and some of the grievances that I did try to file was given back to me. I was not receiving fair hearings

IV. Parties

(In Item A below, list your name as plaintiff and current address. Provide the name and address of any additional plaintiffs on an attached sheet.)

- A. Name of plaintiff: Jerome Curry #1291270
Address: Johnson State Prison / P.O. Box 344
Wrightsville, GA 31096

(In Item B below, list the defendant's full name, position, place of employment, and current address. Provide the same information for any additional defendants in Item C below.)

- B. Name of defendant: Commissioner of Department of Corrections Brian Owens
Position: Commissioner of Department of Corrections
Place of employment: Georgia Department of Corrections
Current address: Georgia Department of Corrections / 2 Martin Luther King Dr. Drive, S.E. Twin Tower-East Room 854 Atlanta, GA 30334

- C. Additional defendants: Warden Jose Morales, Deputy Warden Larry Butts, Deputy Warden Tim Jones, Unit Manager James Jackson, Chief Counselor Tracey Lumpkin, Counselor Mr. Brown, Officer Brown of J-L Unit, Inmate Affairs Shevondah Fields, L.T. O'Neal, Counselor Ms. Cason, Counselor Ms. Norris, L.T. Beverly, Sgt. Dennis of the Cert team & two Cert team officers one white and one Black names unknown, officers Ms. Robinson, Director of Mental Health, Mental Health Counselors D.R. Investigator Ms. Thomas, Counselor Ms. Briggs, Sgt. Forman, & Johnson State Prison Medical Nurses & Staff

V. Statement of Claim

State here as briefly as possible the FACTS in your case. Describe how each defendant is personally involved in the depriving you of your rights. You must include relevant times, dates, places, and names of witnesses. DO NOT GIVE LEGAL ARGUMENTS OR CITE ANY CASES OR STATUTES. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. (Use as much space as you need. Attach extra sheets if necessary.)

See attachments in Petition for order, Motion to Amend Complaint / order
For Temporary Restraining order, motion for leave to Amend Complaint
for Temporary restraining order and demand for Federal Court to step
in and Conduct investigation A.S.A.P. & Motion for Summary Judgment
inwhich I am sending with this Application to be filed on my behalf
due to it being to many issue and Statement of Claim to state within
this Complaint form therefore see attachments. Please accept attachments
as statement of claim and memorandum of Law all as one document to
limit amount of papers used. I was placed in lock-down unit J-1 on three different dates and
times without any disciplinary charges & denied mental health assistance treatment denied mental
Health medication as of up till this day even though I suffer from Bipolar Disorder, P.T.S.D, & Schizophrenia
Paranoid type I have been off of medication since Dec. of 2012 I requested to be place back on
Medication and Mental Health staff & Director refused making fake statements & producing false
documentation stating that I refused to take medication and that was reason I was taken off of
medication inwhich was lie. If I had refused medication like they stated I would have received an
disciplinary charges for failure to take medication why haven't I been charged and this would be a
part of my disciplinary record as per policy. Mental Health produce fake documents as to state that I
refused medication if I refused medication I would also have to sign refusals as per policy. The
real reason I was taken off of medication was due to my request and thought I could do without them
therefore this Black Female Doctor over the T.V. name unknown took me off last year 2012 and
stated to me that if I ever felt that I need to be place back on medication to let officials of
mental health know inwhich I did many different times & was denied and lied on about
refusing medication. I was placed in lockdown lock down 24 hours a day in two men cell that was
never clean without any disciplinary charges on 2/28/13 until 4/13, on 6/1/13 until 6/19/13
without any disciplinary charges and on 8/8/13 until right now. I never was allowed to clean
cell, go outside for fresh air they leave me in cell where door window & outside window is
covered up so I can't see anything locked in this cell 24 hours a day out only on Mon, Tues, Weds,
for shower only. I was force to shave by Warden Butts even though I had no Shaving Profile
I was denied all these rights and more by all Defendants in this Application See Attachments.

IN THE UNITED STATES DISTRICT COURT

FOR THE SOUTHERN DISTRICT OF GEORGIA

AUGUSTA DIVISION

Jerome Curry,
Plaintiff

Vs.

Commissioner of Dept. of Corrections Brian Owens
[REDACTED] etc.

Defendants

ATTACHMENTS PETITION FOR ORDER / STATEMENT OF CLAIM V.

Now comes Plaintiff Jerome Curry, pro se with petition for order to enforce the Department of Corrections to give me access to the courts, use of the Law Library, & Due Process to the fifth and fourteenth Amendment in cause why I should be held inside of Lock-up Unit J-1 unit 24 hours a day without service of Charges as per due process fifth and fourteenth amendment. Due process states to meet the requirements of due process, the state must afford notice and an opportunity to be heard at a meaningful manner. On June 1, 2013, I asked Counselor Ms. Lumpkin here at Johnson state prison what was the reason for her giving me a false statement concerning me being able to go to a T.C. Center (work release) and she had me placed in the hole lock-up stating that I called her a liar without any Disciplinary Charges I was never served nor issued any Disciplinary charges. Thus Violating my fifth and fourteenth Amendment Right to due Process of law under the United States Constitution. On June 5, 2013, I advised Warden Jones of this fact in which he stated to me that I have no rights to due Process of Law the Department of Corrections (S.O.P) states that charges must be served upon inmate within 24 hours of the date of offense unless inmate must be released from out of the hole lock-up or charges must be dismissed. Warden Jones stated to me that no matter what the Department of Corrections S.O.P states they can do what they want to here at Johnson State Prison and that they can keep me inside of the hole lock-up as long as they want to. Officer Brown here inside of lock-up stated to me call a lawyer if I wanted assistance and relief concerning this matter.

I wrote a inmate grievance concerning these issues on June 5, 2013 but the Counselors here at Johnson State Prison refused to get grievance form and turn it in for me so that it could be processed therefore I am sending this Honorable Court this petition. Due to this action and being placed inside of the hole lock-up inside of a cell for 24 hours a day I am only allowed to get two law cases a week to help assist me in my pending lawsuit that is pending before this Honorable Court case no: CV 113-034 how can I be able to make court deadlines when I am only allowed two law cases a week while inside of this hole yet I am allowed to have up to (3) books from the main Library with unlimited pages I feel that is discrimination and violation of ^{equal protection} ~~equal protection~~ How would I ever be able to meet court deadlines at the rate of only being allowed two cases a week to study that would be a disadvantage towards me and my pending Civil Rights lawsuit within this Honorable Court. Furthermore I have a early release date set by the Parole Board of Georgia set for July 31, 2013, by me being inside of the hole this makes my chances of getting a early release unlikely even though I have not been charged and convicted of any disciplinary charges. I am also being forced to be housed inside two men cell while Warden know that I have been ganged by blood gang members back in Feb 28, 2013, here at Johnson State Prison in which these inmates and other blood gang members threaten to take my life knowing these stated facts officers and Warden refuses to house me in cell by myself. I filed a grievance against this matter also and grievance was denied by the Warden stating I could not be placed on Protective Custody. I petition this Court that this Honorable Court send Order to the Department of Corrections & Johnson State Prison Wardens & officials mandating them to address all of these issues stated here today within this petition due to the fact that the Department of Corrections & Staff refuses honor my rights and request therefore I feel that I have done everything within the law required of me as an inmate to do concerning this matter I have try to resolve this matter within the Department of Corrections in which I receives no justice towards this matter they feel that they do not have to honor any prisoner Constitutional Rights because I am a prisoner. Therefore I pray that this Honorable Court address these issues on my behalf and order the Department of Corrections to respect my Constitutional Rights and uphold the Constitutional Rights I have as a human being, citizen, and prisoner of the United States. I also ask this Honorable Court to ensure me that no wrongful actions will be taken against me by the Dept. of. Corrections for my filing of this petition.

CONFIDENTIAL
Offender GRIEVANCE FORM

Attachment 1
SOP IIB05-0001

INSTITUTIONAL STAFF USE ONLY			
OFFENDER NAME	<u>Jerome Curry</u>	OFFENDER NUMBER	<u>1291270</u>
INSTITUTION	<u>JOHNSON STATE PRISON</u>	GRIEVANCE NUMBER	
DATE COMPLETED FORM RECEIVED FROM OFFENDER		BY	_____
DATE APPEAL RECEIVED		BY	_____

THIS FORM MUST BE COMPLETED IN INK. YOU MUST INCLUDE SPECIFIC INFORMATION CONCERNING YOUR GRIEVANCE TO INCLUDE DATES, NAMES OF PERSONS INVOLVED, AND WITNESSES.

DESCRIPTION OF INCIDENT:

On June 1, 2013, I asked Counselor Ms. Lumpkin what was the reason for her giving me a false statement concerning me being able to go to a T.C. Center (Work Release) and she placed me in the hole without any Disciplinary Charges. I was never served nor issued any Disciplinary Charges. Thus violating my fifth and fourteenth Amend. Right to the Process of law under the U.S. Constitution Supreme law of the land. On June 5, 2013, I advised Warden Jones of this fact in which he stated to me that they do not have to charge me with anything yet I still can be held inside of the hole without any Paperwork and that I have no rights to due Process of Law the SOP states charges must be served upon inmate with 24 hours of the date of offense in which I have been denied.

RESOLUTION REQUESTED:

I would like to be released back to the West-Yard D-1-A so that I can still be able to go to the law Library to study for my Pending Civil Rights lawsuit for False Arrest/FALSE imprisonment due to the fact that I am limited while inside of J-1 in which I am being held against my own free-will in further violating my Constitutional Rights to Due Process fifth and fourteenth Amendment to the United States Constitution in which is Supreme law of the land which must be followed in which no other law can change, modify, or abolished.

Jerome Curry June 5, 2013,
OFFENDER Signature Date

Is this grievance being filed within the 10 day time limit? Please answer Yes or ☐ No . If the answer is No, please explain why.

RECEIPT FOR GRIEVANCE AT COUNSELOR'S LEVEL

OFFENDER'S NAME: _____ I.D. #: _____

ACKNOWLEDGE RECEIPT OF GRIEVANCE FORM FROM THE ABOVE OFFENDER.

DATE: ____/____/____ COUNSELOR'S SIGNATURE _____

RETENTION SCHEDULE: - Upon completion of this form, it will be placed in a file in the Grievance Coordinator's office.

PI-2001 (REV. 10/01/98)

Damages I received due to unlawful actions

- 1.) I have been placed inside of lock-up the hole, denied access to the Law Library which is two to six hours a week to study for pending Civil Rights lawsuit. Now I am only allowed to receive two cases per week to study law for pending Civil Rights lawsuit, Denied Mental Health Medication
- 2.) I have been force to be housed inside two men cell inside of lock-up unit 24 hours a day only time allowed out of cell is Mon, [REDACTED], Weds, Fri, for shower, Not allowed to clean cell, Cell has rats
- 3.) I have been denied to enjoy fresh air and recreation outside of cell, I have been denied to go to the chaplain services for church, I have been denied mental Health Assistance from counselor
- 4.) I have been denied chance to go to T.C. center (workrelease) where I could have worked for income and help support and save money to help assist my 5 year old son and his mother, At risk of being denied early release for July 31, 2013 by Georgia Parole Board by being in lock-up (hole).

Constitutional Rights that have been violated

- 1.) Human Rights, Rights as a citizen of the United States, United States Constitution fifth Amendment, United States Constitution fourteenth Amendment. Civil Rights, Violation of 8th Amendment, Procedural Due Process under the 14th Amendment, Violation of equal protection of the laws under the 14th Amendment and discrimination in treatment

Defendants that violated Rights

- | | |
|--|-----------------------------------|
| 1.) Commissioner of Department of Corrections Brian Owens, | 16.) Officer Ms. Robinson |
| 2.) Warden Jose Morales | 17.) Director of Mental Health |
| 3.) Deputy Warden Larry Butts | 18.) Mental Health Counselors |
| 4.) Deputy Warden Tim Jones | 19.) D.R. Investigator Ms. Thomas |
| 5.) Unit Manager James Jackson | 20.) Counselor Ms. Norris |
| 6.) Chief Counselor Tracey Lumpkin | 21.) Sgt. Forman |
| 7.) Counselor Brown | 23.) Counselor Ms. Braggs |
| 8.) Officer Brown of J-1 Unit | |
| 9.) Inmate Affairs & Ombudsman Unit Shevondah Fields | |
| 10.) L.T. O'Neal | |
| [REDACTED] | |
| 11.) Counselor Ms. Cason | |
| 12.) Counselor Mr. Brown | |
| 13.) L.T. Brewley | |
| 14.) Sgt. [REDACTED] Dennis of The Cert Team | |
| 15.) officer Brown of J-1 Unit | |

(4.)

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA

Jerome Curry #1241270

V.

Motion FOR LEAVE TO AMEND COMPLAINT FOR
TEMPORARY RESTRAINING ORDER AND DEMAND
FOR FEDERAL COURT TO STEP IN AND CONDUCT
INVESTIGATION A.S.A.P.MEMORANDUM OF LAWATTACHMENTSCommissioner Brian Owens, Warden Jose Morales, Deputy
Warden Larry Butts, Deputy Warden Tim Jones, Unit
Manager James Jackson, Chief Counselor Tracey Lumpkin,
Counselor Brown, Officer Brown of J-1 Unit, Inmate Affairs,
& Ombudsman Unit Shevondah Fields, Officer Ms Robinson
etc.JURISDICTIONAL STATEMENT

Now comes Plaintiff Jerome Curry pro se with motion for leave to amend complaint pursuant to Rules 15(a) and 19(a) Fed R. Civ. P. request leave to file an amended Complaint. Justice and Constitutional Rights are not based upon race, black or white, educated or uneducated, poor or rich, free persons or prisoners, justice and Constitutional Rights are intend to be based upon fairness human rights and the rights granted to every human being upon earth by God our Father and no man or any state nor any government officials should have the power to deny any persons of such rights under law as a citizen and human being of the United States this is not justice at all in its lowest degree. The Constitution is the Supreme law of the land in which no other law can change, modify or do away with All government officials are required to uphold a persons rights under the Constitution and has a sworn oath and duty to uphold free persons or prisoners constitutional Rights and the Federal Court has jurisdiction to step in when a person Civil Rights, Constitutional Rights and human rights are being violated. Failure of the Courts to step in would be an abuse of discretion and violation of due process to the United States Constitution.

STATEMENT OF FACTS

On August 7, 2013 I plaintiff Jerome Curry #1241270 was denied by officer Ms. Robinson, L.T. Brewley, and Mental Health staff concerning my Mental Health treatment I am a inmate that suffers from bipolar disorder, schizophrenia paranoid type, and P.T.S.D in which left untreated I have a history of paranoia, difficulty thinking clearly and delusional thinking in which I am not accountable for any actions that take place at time of such feelings. Therefore I requested to be seen by Mental Health since April of 2013 I advised staff, Medical, Mental Health Director Unit Manager Jackson and general Counselor of this fact yet I received no treatment I have filed grievances concerning this matter to receive no assistance at all whatsoever.

STATEMENT OF FACTS

furthermore on August 7, 2013 I advise Unit Manager Jackson of all these stated facts in which he stated that I would be seen by Mental Health on that date of August 7, 2013 in which I never was seen by Mental Health. At this same date and time I spoke with Counselor Ms. Briggs concerning these issues in which I advised Counselor Ms. Briggs of these facts and further stated to Counselor Ms. Briggs that I was feeling paranoid and would like to be placed back on Mental Health Medications and placed inside lock-up in one man cell until maximum release date of 9/11/13 due to my feelings of being paranoid and that I did not want to become to ill that I would not know what I am doing for my safety as well for the safety of Staff and inmates therefore I requested these things from Counselor Ms. Briggs therefore Counselor Ms. Briggs got on the phone inside of her office inside Dorm D-1-A here at Johnson State Prison and told Staff what I had just stated to her. About 5 mins. later L.T. Brewley, Sgt. Dennis of the Cert Team along with two other Cert Team officers came inside Counselor Ms. Briggs office and Sgt. Dennis of the Cert Team grab me and push me against the wall and further stated to Counselor Ms. Briggs to get out the office after Sgt. Dennis grab and pushed me against the wall he hit me in my chest and kicked me in my eyes and stated to me you threaten my female officials as I stood against the wall with both of my hands up to the sky [REDACTED] I stood against the wall with both of my hands held up to the sky so that officials standing there could see that I did not do anything or provoke this officer to do what he kept doing to me as he kept hitting me in the center of my chest stating that I threaten his female officials threaten him like that therefore I stated to Sgt. Dennis and the rest of the officials there are you all going to do me like "Trayvon Martin" and make up a false statement of what really happen. I further stated to these officers that I never threaten anyone at all whatsoever all I was trying to do is get the Mental Health treatment that I am required to receive. Therefore these officers placed me in handcuffs and stated to the officers to take me to lock up and charge me with verbal threat in which I never once did. I was force to be place inside two man cell [REDACTED] in disregard of my mental Health feelings of being paranoid also knowing that I have been ganged in the pass in Feb of 2013 by some blood gang members in which they threaten my life. Now I am in two man cell subject to be housed in two man cell with other blood gang members that threaten my life. The cell that I have been placed in is very hot and unclean it smells like someone has used the restroom on the floor and walls of this cell. I have been denied clean supplies all together to clean cell with. Furthermore I receive no disciplinary charges I have not been seen by anyone or served with any disciplinary charges. On August 10, 2013 I advised Warden Butts about these stated facts as well as the fact that cell is unclean and I am being denied cleaning supplies therefore Warden Butts stated I have no rights and if I do not shave the hair on my face by Monday they will come inside my cell and beat me and take all my legal documents, Bible etc. and place me back inside cell with nothing naked and without anything to sleep on even though I have a no shaving profile see Exhibit(B) See also Exhibit(A) grievance in which was turned back to me. I am in danger of my health, life, well being and, safety and I have no one to help me [REDACTED] in this matter therefore I request Court to step in A.S.A.P before I am hurt.

(2)

CASE LAWS TO SUPPORT COMPLAINT

▲ According to the case of *Gillis v. Litscher*, 468 F.3d 488 (7th Cir 2006) it states in part that Sanitation and Personal Hygiene: Prisoners are entitled to sanitary toilet facilities *Despain v. Uphoff*, 264 F.3d 965 (10th Cir 2001), proper trash procedures, no roach or rat infestations and basic supplies such as toothbrushes, toothpaste, soap Sanitary napkins razors, and cleaning products I have been denied all of these above by officials here at Johnson State Prison. Furthermore according to the Georgia Department of Corrections Standard Operating Procedures IIB02-0001 it states in part that disciplinary charges must be served on the inmate within 24 hours of the Warden's or Superintendents or designee's receipt of the written report of investigation (or written report of the findings at the prison or center where the infraction occurred unless the inmate has been transferred, the responsible staff person assigns the disciplinary case code and logs the report, then forwards the disciplinary report to the investigator. Hearings will be held no sooner than 24 hours after official notification that charges have been delivered to the accused inmate. Failure to follow such guidelines charge will be dismissed I have been denied all of these stated procedures by officials here at Johnson State Prison. According to the case of *Wolff v. McDonnell* 418 U.S. 539 it states that prisoners have the right to receive notice (know about) the charges against him at least twenty-four hours before your disciplinary hearing is scheduled to begin An oral (spoken) explanation of the charges is not sufficient the charges must be in writing and they must be clear enough to allow prisoner to prepare your defense In order for disciplinary charges and hearing to be in accordance with due process, In prison disciplinary proceedings due process require that written notice of the charges be given to the inmate. This also was violated against me by the officials here at Johnson State Prison. In the case of *Bowring v. Godwin* an important early decision, the fourth circuit explicitly extended the right to medical care to mental illness treatment noting that there is no underlying distinction between the right (of a prisoner) to medical care for physical ills and its psychological or psychiatric counterpart. See *Bowring v. Godwin* 551 F.2d 44, 47 (4th Cir 1977), See also *Madrid v. Gomez* 889 F.Supp. 1146 (1995) There are certain conditions under which isolating prisoners with mental illness can cross constitutional bounds. Several federal Courts have found that even though segregation does not by itself violate the Constitution, isolation can pose particular risks for those with mental illness or on the verge of developing mental illness See *Madrid v. Gomez* 889 F.Supp. 1146 (1995) finding the risk of isolating prisoners with mental illness or those likely to develop mental illness is unreasonable and violates 8th Amend. See also case of *Greason v. Kemp* 891 F.2d 829 (1990)

CONCLUSION

Based upon these stated facts I request and pray that this Honorable Court step in to investigate this matter A.S.A.P. and before maximum release date of 9/11/13 I am in fear of my life I need my mental health medications in which I am being denied, held in lock-up unlawfully. I further state for the record that if the Court does not receive any legal documents from me after this document or I fail to respond to Court order that means the officials here have taken everything from me. I have no one else to turn to my procedural due process rights 14th, 5th Amendment to the Constitution, 8th Amendment and Freedom from Assault under 5th, 8th, & 14th Amendments have been all violated as well as Grooming Policy See: *Demoss v. Cain* 636 F.3d 145, *Cochran v. Jabe* 679 F.3d 197, & *Smith v. Ozmint* 578 F.3d 296

FOR THE SOUTHERN DISTRICT OF GEORGIA

AUGUSTA DIVISION

Jerome Curry #1291270

██████████
 Motion to Amend Complaint / Order for Temporary Restraining Order
 Against Defendants in petition for order ██████████

vs.

Commissioner Brian Owens, Warden Jose Morales,
 Deputy Warden Larry Butts, Deputy Warden Tim
 Jones, Unit Manager James Jackson Chief Counselor Lumpkin
 etc.
 ██████████

MEMORANDUM OF LAW

ATTACHMENTS Motion To Amend Complaint / Order For Temporary
Restraining order

Now comes Plaintiff Jerome Curry #1291270 with motion to amend complaint / order for temporary restraining order. On 6/27/13 I was called to the counselors office here at Johnson State Prison to sign my release papers along with other inmates that signed release papers on this date before Counselor Ms. Cason every inmate that signed their release papers on 6/27/13 were released on 7/1/13 on 6/27/13 I signed released papers, I signed for clothing size for my release as well as for a bus ticket to be sent back to South Carolina upon my release and I was told to provide a address inwhich I did. On this date of June 27, 2013 inmate Shamur Kierre Ramsey #1000155510 signed his release papers also to be released on July 1, 2013 every inmate that signed his release papers on 6/27/13 was released on July 1, 2013 except me and inmate Shamur Kierre Ramsey #1000155510 Chief Counselor Ms. Lumpkin here at Johnson State Prison stated to inmate Shamur Kierre Ramsey #1000155510 that he could not be released again because he had pending charges inwhich was a false statement this inmate did not have any pending charge. This Chief Counselor Ms. Lumpkin and staff here at Johnson State Prison I believe had something to do with me not being released after signing of my release papers this is the same Counselor that I filed petition for order against for placing me inside of lock-down unit from June 1, 2013 to June 19, 2013 without the service of any charges I was further found guilty of a charge after being released from out of lock-up inwhich I appealed to the Department of Corrections I was found guilty based upon officers report here that I committed misconduct against Counselor Ms. Lumpkin and was told by hearing officer on June 26, 2013 that if his officer states in charge papers that he served me with disciplinary charges than he has to go by that statement alone without any service of proff. I was held inside lock-down J-1 unit for 19 days without service of any charges nor was I seen by any one during this whole time yet these officers made false statement that I was served and seen. They have no documents to prove this all they have is the officers statement alone inwhich its my word against his word and they took his word over my word like this officer cannot lie. I filed an appeal, A inmate grievance, and a petition for order inwhich I filed with this Honorable Court entered on 6/13/13 referred to the Honorable Judge Brian K. Epps. I request injunction relief a restraining order against these defendants because I feel that if they violate my rights in such a way it is no telling to what degree they will take in keeping me in prison unlawfully like they are doing inmate Shamur Kierre Ramsey #1000155510 inwhich they are denying his release. I request my release and seek punitive damages also for discrimination violation of equal protection and violation of due process in disciplinary proceedings. B false imprisonment

(1) A.

~~Attachment to statement of claim~~

B.

Warden Jones stated to me that no matter what the Department of Corrections (SOP) states they can do what they want here at Johnson State Prison and that they can keep me inside of the hole as long as they want to without bringing me before a hearing board on charges in which they had on my chart inside the hole that I was being held for failure to follow. Even though I was never issued, served, or brought before a hearing officer for such charges. On June 6, 2013 I asked counselor Brown to turn in inmate grievance form for me addressing these issues in which after reading such grievance he stated that he could not turn in such grievance for me and that I could not file any grievance for being inside of the hole (lock-up) in cell 24/7 therefore he gave grievance back to me. Due to this action and being placed inside of the hole lock-up inside cell for 24 hours a day I am only allowed to get two law cases a week to help assist me in pending civil rights lawsuit for false arrest/false imprisonment in which I have court orders to respond to in timely manner in which I cannot due to being inside hole and limited access to the courts, law library. I am only allowed to have two cases per week from law library no matter if I have a court order yet I am [redacted] allowed to have up to (3) books unlimited pages from the main library while inside of the hole. How could I ever be able to meet court order deadlines at the rate of only being allowed two cases a week from law library and I have a Pending Civil Rights false arrest/false imprisonment lawsuit pending before court as well as an Appeal in State Court for unlawful extradition/false arrest this is a disadvantage [redacted] towards me and my case I further feel that this is discrimination and violation of equal protection of the laws for inmates to be allowed (3) books from main library yet only allowed 2 cases a week to help assist and fight against unlawful conviction, sentences, and pending civil rights suits. I further feel that it is discrimination for Johnson State Prison to allow inmates that are in the hole lock-up on charges and brought before a disciplinary hearing officer found guilty and released back to their housing units while I am here housed inside the hole lock up for charges that has not been filed, issued, served, or brought before a hearing officer to determine whether I am guilty or not yet be forced to be housed inside cell 24 hours a day while out only on Mon, Wed, and Fri for shower. I have been denied to enjoy fresh air and recreation outside of cell, I have been denied to go to chaplain services for church, denied chance to go to Transitional Center where I could have worked to earn money while in confinement, And at risk of being denied early release for July 31, 2013, by Georgia Parole Board by being in lock-up hole. Counselors are required to visit & check on inmates while inmates are in hole I am being denied this also as well as mental health treatment for my bipolar disorder, paranoid illness and P.T.S.D. I am also inside cell that is hot with no air within cell while being denied recreation to fresh air. Thus violating the United States Constitution to equal protection of the laws, fifth and fourteenth Amendments, access to the courts counselors & officials refuses to notarize legal documents for me while inside hole, I am being denied monthly access to a writing pen for indigent legal supplies provided by the library to proceed with pending cases I am forced to get pens from inmates that are inside of hole, I am being denied all of these things by all defendants. I request that this court enforce Johnson State Prison officials and Wardens to uphold my Constitutional Rights due Process and other constitutional rights in which is law of the land Supreme law in which I request court to order defendants to conform to. As well as prison Policies & procedures right of citizen of United States, rights as a human being, freedom of locomotion, & Civil Rights & freedom from violation of 8th Amendment

On June 1, 2013, I asked Chief Counselor Ms. Lumpkin here at Johnson State Prison what was the reason for giving me a false statement concerning being able to go to a T.C (work release center) and she had me placed inside the hole lock-up Unit lock-down in cell 24/7 stating that I called her liar without any disciplinary charges being served upon me at all whatsoever. On June 19, 2013, I was released from out of the hole on June 24, 2013 I was called out to meet with a disciplinary investigator in which this investigator stated to me that I have been charged with insubordination Code B-13 and failing to follow instructions. The disciplinary investigator further stated to me that I would be brought before a Hearing officer for these charges on June 26, 2013 I advised the disciplinary investigator of the fact that I was never advised, served, or spoken to by [REDACTED] no one concerning these charges at all whatsoever and further spent 19 days within hole for this lock down 24/7 denied mental Health treatment and all I have not seen mental health counselor's since April of 2013 and I am a level (2) mental Health inmate that suffers from Bipolar Disorder, Post Traumatic Stress Disorder and schizophrenia in which I have not received any medications for since December of 2012. Even though I request help from mental ^{Health} I advised the disciplinary investigator of all these stated facts yet she stated that she can only go by what the disciplinary states and the disciplinary report stated that I was served charges by Sgt. Hall on June 2, 2013 at 08:00 hours in which was a false statement. On June 26, 2013 I advised the hearing officer L.T. O'Neal of all these stated facts in which he still found me guilty stating that he can only go by what the officer statement states and based upon the officer Sgt. Hall statement of serving charges upon me within 24 hours on ^{July} [REDACTED] 2, 2013 at 0800 hours he found me guilty in which I received 7 days Iso probated for 30 days, 60 days store, and package restriction. I have appealed this decision on ^{June} [REDACTED] 28, 2013, on July 3, 2013 I spoke with Sgt. Hall inside of the kitchen at 4:30 or 5:00 pm in which I told him that if he served charges on me on June 2, 2013 in which I also showed him a copy of the disciplinary charges with his signature stating that he served charges upon me on June 2, 2013 Sgt. Hall stated that he did not serve charges on me and that he was going to get with the hearing officer L.T. O'Neal to advise him of this fact. As a result of me being found guilty I was not released from prison by the Parole Board in which I signed release papers for on June 27, 2013, Not only was I inside hole lock down 24/7, denied mental health treatment, I was further denied a release in which I had a T.P.M parole release date set at: 7/31/13 in which I signed release papers for on June 27, 2013, Thus violation of due process violation of [REDACTED] 8th Amendment. I declare under penalty or perjury that statements are true and correct.

According to the Supreme Court Case of *Wolff v. McDonnell* it states you have the right to receive notice (know about) the charges against you at least twenty four hours before your hearing is scheduled to begin. An oral (spoken) explanation of the charges is not sufficient. The charges must be in writing, and they must be clear enough to allow you to prepare your defense. In order for disciplinary charges and hearing to be in accordance with due process. *Wolff v. McDonnell* 410 U.S. 539, The Court also clarified that the fact finder must provide a written statement of the evidence that he relied on and the reasons for the disciplinary action taken see *Baxter v. Palmigiano* 425 U.S. 308, *Wolff v. McDonnell* also guarantees your constitutional right to receive from the hearing officer, a written statement of the evidence relied upon and a statement of the reason for the decision. This requirement prevents the hearing officers from merely stating that you were found [REDACTED] guilty of a particular offense based on certain interviews and reports without providing enough detail. The hearing record must include reasons for the decision, copies of any reports relied on, and summaries of interviews conducted. The written [REDACTED] statement and [REDACTED] the tape recording of the hearing will be central parts of your disciplinary hearing record. This record is very important: the Court will examine it if you seek judicial review of an unfavorable disciplinary hearing decision in state or federal court. At the hearing disciplinary hearing held on June 26, 2013 there was no recording of the record Georgia Department of Corrections does not have no tape recordings of the record in disciplinary proceeding in which I believe is violation of due process. I request of this Honorable Court to review this judgment made against me by the disciplinary board here at Johnson State Prison in which I was found guilty of on June 26, 2013. I seek Punitive damages, and compensatory damages of \$100,000 for all of the violations done against me by Johnson State Prison officials in there whole entirely and as individually for violation of 8th Amendment, 4th & 14th Amendment, Human rights, Rights as a citizen, Civil Rights. Damages in which I received I was locked down in cell 24 hours a day for 19 days, denied access to the law library which was two to six hours a week to study for pending Civil Rights lawsuit to only being allowed to receive to cases a week to study for pending Civil Rights lawsuit, I have been forced to be housed inside two man cell locked down 24 hours a day for 19 days only time allowed out of cell was Mon, Weds, and Fri for shower, was denied to clean cells, denied meeting with General Counselor and Mental Health Counselor even though I am mental Health inmate Level 2 suffering from Bipolar disorder, Post Traumatic Stress Disorder (P.T.S.D.) and Schizophrenia in which I am still being denied Mental health treatment even after requesting treatment everyone else on mental Health case loads are seen and checked on, thus violation of 8th Amendment, I was denied fresh air outside recreation outside cell for 19 days denied to go to the Chaplain services for church, I have been denied work release were I could have worked and make money to ~~help~~ support my 5 year old son, And denied early release even though I signed release papers on [REDACTED] June 27, 2013 all other inmates that signed release papers on 6/27/13 was released on 7/1/13 except me this also discrimination/violation equal protection all laws, policy and statutes were violated concerning disciplinary proceedings against ^{me} as well as U.S. Constitution. due Process

- (3) Deadlines for filing charges: The initial disciplinary report must be completed, filed, and served on the inmate as follows (a) General deadline: Except as indicated below, the initial disciplinary report will be completed, filed, and served on the inmate within 24 hours after discovery that an infraction has occurred. The staff serving the disciplinary report to the inmate will ensure that the copy that is being served to the inmate has a legible factual statement and legible printed names along with signatures of the reporting official and [REDACTED] reviewing officials.
- (1) The Charges must be served on the inmate within 24 hours of the Warden's or superintendants (or designee's) receipt of the written report of investigation (or written report of the finding) at the prison or center where the infraction occurred unless the inmate has been transferred.
- (4) Failure to meet filing Deadline: A charge will be dismissed upon failure to meet the appropriate filing deadline, as specified above.
- (5) Staff who may serve charges: The charges may be served on the inmate by any staff member except the Disciplinary Hearing officer who will hear the case.
- (1) Logging the case: The responsible staff person assigns the disciplinary case code and logs the report, then forwards the disciplinary report to the investigator.
- (3.) Time frame for Disciplinary Hearings: Hearings will be held no sooner than 24 hours after official notification that charges have been delivered to the accused inmate, Also hearings will be held within (10) working days after the Disciplinary Hearing officer receives the report of investigation.
- (4.) Failure to meet hearing deadline: Failure to meet the 10-day Hearing Deadline or 5-day extensions granted by continuance will result in dismissal or expungement of the charge.
- I declare under penalty and perjury that all of these procedures were violated against me in disciplinary proceedings and hearing yet I still was found guilty. Based upon false statement.

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA

Jerome Curry #1291270

Motion For Summary Judgement AS In accordance
with Federal Rule of Civil Procedure 56

ATTACHMENTS SUMMARY JUDGEMENT

V.

Commissioner Brian Owens, Warden Jose Morales,
Deputy Warden Larry Butts, Deputy Warden
Tim Jones, Unit Manager James Jackson, Chief
Counselor Tracey Lumpkin, Counselor Brown,
Officer Brown of J-1 Unit, Inmate Affairs &
Ombudsman Unit Shevondah Fields, Officer Ms. Robinson
etc.

STATEMENT OF Claim

Now Comes plaintiff Jerome Curry #1291270 prose with motion for summary judgement in above entitled case towards Motion for leave Amended Complaint for Temporary Restraining order, Petition for order, Motion to Amend Complaint / order for Temporary Restraining order: Against Commissioner of Department of Corrections Brian Owens, Warden Jose Morales, Deputy Warden Larry Butts, L.T. O'Neal, Deputy Warden Tim Jones, Unit Manager James Jackson, Chief Counselor Tracey Lumpkin, Counselor Ms. Cason, Counselor Brown, L.T. Brewley, Sgt. Dennis of the Cert Team, Officer Brown of J-1 Unit, Officer Ms. Robinson, Director of Mental Health, Mental Health Counselors, Inmate Affairs & Ombudsman Unit Shevondah Fields, and Officer Ms. Thomas D.R. investigator, as well as Counselor Ms. Norris. Plaintiff bring this motion for summary judgement to this Honorable court against all defendants listed above as in accordance with Federal Rule of Civil Procedure 56.

STATEMENT OF FACTS

On August 13, 2013 Warden Butts came to my cell inside J-1 Unit cell 210 and got Sgt. Forman and had him make me get a shave by another inmate knowing that I have a no shaving profile and get sores on my face everytime that I do shave with or without a razor. Warden Butts further stated to me that he have the power to take away my shaving profile. I further advised Warden Butts of the fact that I have been inside of J-1 Unit cell 210 since August 8, 2013 without being served or given notice of any charges nor was there any charges filed against me no one came to speak to me at all whatsoever advising me why I am being held in solitary confinement against my own free will. Thus cruel and unusual punishment. Warden Butts further stated to me that I have no due process rights in prison. Furthermore Sgt. Forman tried to force me to go back to A-1 dorm on August 22, 2013 knowing on Feb 28, 2013 I was gangbanged by some blood gang members and they threaten my life when I refuse he charged me with failure to follow instructions. Johnson State Prison mental health officials are also producing false documents about me refusing mental (I.) Health medication if I had refuse medication I would have receive a disciplinary for that I have none.

According to the United States Supreme Court Case of *Wolf v. McDonnell* 418 U.S. 539 it states in part A prisoner may claim the protection of the due process clause and may not be deprived of his life, liberty or property without due process of law; but the prisoner's retention of due process rights does not imply that these rights are not subject to restrictions imposed by the nature of the regime to which he has been lawfully committed. A person's liberty is protected by the due process clause even when the liberty itself is a statutory creation of the state, the touchstone of due process is protection of the individual against arbitrary action of government. For the minimum requirements of procedural due process to be satisfied in state prison disciplinary hearings, prisoners must be provided with advance written notice in order to inform them of the charges and to enable them to marshal the facts and prepare a defense and at least a brief period of time after the notice, no less than 24 hours, should be allowed to the inmate to prepare for the appearance at the disciplinary hearing. Part of the function of due process requirement of notice is to give the charged party a chance to marshal the facts in his defense and to clarify what the charges are. In proceedings where solitary confinement may be imposed there should be [REDACTED] minimum procedural safeguards as a hedge against arbitrary determination of the factual predicate for imposition of the sanction. A prisoner is not wholly stripped of constitutional protections and though prison disciplinary proceedings do not implicate the full panoply of rights due a defendant in a criminal prosecution such proceedings must be governed by a mutual accommodation between institutional needs and general applicable requirements. Prisoner may claim the protections of the Due process Clause they may not be deprived of life, liberty, or property without due process of Law. *Haines v. Kerner* 404 U.S. 519, *Wilwording v. Swenson* 404 U.S. 249, and *Screws v. United States* 325 U.S. 91. The touchstone of due process is protection of the individual against arbitrary action of government, *Dent v. West Virginia* 129 U.S. 114. In the Supreme Court case of *Wolf v. McDonnell* 418 U.S. 539 it stated the court hold that written notice of the charges must be given to the disciplinary-action defendant in order to inform him of the charges and to enable him to marshal the facts and prepare a defense. At least a brief period of time after the notice no less than 24 hours, should be allowed to the inmate to prepare for the appearance before the Adjustment Committee. A prisoner does not shed his basic constitutional rights at the prison gate the Supreme Court further stated in *Wolf v. McDonnell* that some of the constitutional rights of due process that the fourteenth Amendment extends to all "persons"

The Supreme Court in the case of *Wolf v. McDonnell* 418 U.S. 539 stated solitary confinement is a less which can be imposed upon prisoner only after a full hearing with all due process safeguards solitary confinement is a deprivation requiring a due process hearing for its imposition. Due process are required whenever an individual risks condemnation to a grievous loss. *Morrissey v. Brewer* 408 U.S. 471, *Goldberg v. Kelly* 397 U.S. 254. The fundamental requisite of due process of law is the opportunity to be heard. *Goldberg v. Kelly* 397 U.S. 254. The Supreme Court stated in the case of *Wolf v. McDonnell* 418 U.S. 539 we should no more place the inmates constitutional rights in the hands of the prison administration's discretion than we should place the defendants right in the hand of the prosecutor. When a prisoner is isolated in solitary confinement there appears to be two different types of conditions to which he may be exposed. He may be incarcerated alone in the usual disciplinary cell with privileges severely limited, for as long as necessary or he may be put in a 'dry cell' which unlike regular cells, contains no sink or toilet. The Supreme Court stated in the case of *Wolf v. McDonnell* 418 U.S. 539 the accused inmate is not guaranteed the right to present any defense beyond his own words. Without any right to confront and cross-examine adverse witness the inmate is afforded no means to challenge the word of his accusers without these procedures a disciplinary board cannot resolve disputed factual issues in any rational or accurate way. The hearing will thus amount to little more than a swearing contest, with each side telling its version of the facts - and indeed with only the prisoner's story subject to being tested by cross-examination. In such a contest, it is obvious that the wrongfully charged inmate will invariably be the loser: *Morrissey v. Brewer* 408 U.S. 471. All of the defendants in this case pending before this Honorable Court violated all of these above statutes, laws, policy, constitution and case law concerning due process in disciplinary proceedings.

PLAINTIFFS PERSONAL STATEMENT

Justice and Constitution Rights are not based upon race black or white, educated or uneducated, poor or rich, free persons or prisoners, justice and Constitutional Rights are intended to be based upon fairness human rights and the rights granted to every human being upon earth by God our Father. And no man, state nor any government officials should have the power to deny any person of such rights under law as a citizen and human being of the United States this is not justice or due process in its lowest degree. The Constitution is the Supreme law of the land in which no other law can change, modify or do away with all government officials are required to uphold a person rights under the Constitution in which are their governmental duty in which they have sworn an oath to uphold.

SUPPORT CASE FOR DAMAGES

In The United States Supreme Court Case of *Monell v. New York City Dept. of Soc. Serv.* 436 U.S. 658 it states in part: Protection by the Government make that protection by the Government, the enjoyment of life, with the right to acquire and possess property of every kind, and to pursue and obtain happiness and safety. Building on this conclusion that citizens were owed protection a conclusion not disputed by opponents of the Sherman amendment, Local government officials in their official capacities are "persons" under § 1983 in cases which a local government would be suable in its own name. Local governments, municipalities, corporations, and school boards, are "persons" subject liability under 42 U.S.C. § 1983 for violating another person's federally protected rights and thus are not wholly immune from suit under § 1983. The Eleventh Amendment is not a bar to liability under 42 U.S.C. § 1983 which imposes civil liability on any person who deprives another of his federally protected rights. State-law immunities do not override or cause of action under 42 U.S.C. § 1983 which imposes civil liability on any person who deprives another of his federally protected rights. Local governments sued under § 1983 cannot be entitled to an absolute immunity, lest today's decision be drained of meaning. *Scheuer v. Rhodes* 416 US 232. Local governing bodies (and local officials sued in their official capacities) can, therefore be sued directly under § 1983 for monetary, declaratory and injunctive relief in those situations where as here, the action that is alleged to be unconstitutional implements or executes a policy statement ordinance, regulation, or decision officially adopted or promulgated by those whose edicts or acts may fairly be said to represent official policy. In addition local governments like every other § 1983 "person" may be sued for constitutional deprivations visited pursuant to governments official decision making channels. Congress has by legislation affirmatively interfered to protect persons Constitutional Rights. Section 1 of the Civil Rights Act simply conferred jurisdiction on the federal courts to enforce § 1 of the Fourteenth Amendment. Section 1 without question could be used to obtain a damages judgment against state or municipal officials who violated federal Constitutional rights while acting under color of law. Section 1 not only provides a civil remedy for persons whose former condition may have been that of slaves, but also to all people where under color of state law, they or any of them may be deprived of rights to which they are entitled under the Constitution by reason and virtue of their national citizenship. In both Houses, statement of the supporters of § 1 corroborated that Congress in enacting § 1, intended to give a broad remedy for violations of federally protected civil rights.

SUPPORT CASE FOR DAMAGES

In the United States Supreme Court case of *Monell v. New York City Dept. of Soc. Serv.* 436 U.S. 658 it states in part: Under § 1983 Any person who under color of any law, statute, ordinance, regulation, custom, or usage of any state, shall subject, or cause to be subjected, any person... to the deprivation of any rights, privileges, or immunities secured by the constitution of the United States shall, any law, statute, ordinance, regulation, custom, or usage of the state to the contrary notwithstanding be liable to the party injured in any action at law, suit in equity, or other proper proceeding for redress. The Civil Rights Attorney Fee's awards act of 1976, 90 Stat. 2641, 42 USC § 1988 (1976 ed) [42 USC § 1988], which allows prevailing parties (in the discretion of the court) in § 1983 suits to obtain attorney's fee from losing parties. The court below express no views on the scope of any municipal immunity beyond holding that municipal bodies sued under § 1983 cannot be entitled to absolute immunity, lest our decision that such bodies are subject to suit under § 1983 be drained of meaning. *Scheuer v. Rhodes* 416 U.S. 232 Cf. *Bivens v. Six Unknown Federal Narcotics Agents* 403 U.S. 388. The Supreme Court stated in *Monell v. New York City Dept. of Soc. Serv.* 436 U.S. 658 in part: The Sherman amendment is as stated in part: If any person shall unlawfully and with force and violence be whipped, scourged, wounded, or killed by any persons riotously and tumultuously assembled together, with intent to deprive any persons of rights conferred upon him by the Constitution and laws of the United States, or to deter him or punish him for exercising such right, or by reason of his race, color, or previous condition of servitude in every such case the county, city, or parish in which any of the said offenses shall be committed shall be liable to pay full compensation to the person or persons damaged by such offense if living or to his widow or legal representative if dead. Furthermore the Supreme Court stated the Sherman amendment is as follows: Any person or persons having knowledge that any of the wrongs conspired to be done and mentioned in the section of this act are about to be committed and having power to prevent or aid the same (constitutional and civil rights violation) shall neglect or refuse so to do, and such wrongful act shall be committed such person or persons shall be liable to the person injured. Defendants in pending suit violated all of the above I further seek punitive damages from Counselor Ms. Briggs for willingly lying for fellow officials and Sgt. Forman. I request the Honorable Court to order all defendants in this case to provide Plaintiff with Prison ordinance, regulation, policies, and procedures concerning prisoners rights under due process in disciplinary proceedings and being placed in solitary confinement within the Georgia Department of Corrections.

Plaintiff request that this Honorable Court also refer to the Plaintiff's prose motion as evidence in which are motion for leave to file Amended Complaint for Temporary Restraining order, Petition for Order, Motion to Amend Complaint/ order for Temporary Restraining order and all other motions in which has been filed by Plaintiff prose against defendants: Commissioner of the Department of Corrections Brian Owens, Warden Jose Morales, Deputy Warden Larry Butts, L.T. O'Neal, Deputy Warden Tim Jones, Unit Manager James Jackson, Chief Counselor Tracey Lumpkin, Counselor MS Cason, Counselor Brown, L.T. Brewster, Sgt. Dennis of the Cert Team, officer Brown of J-1 unit, officer MS. Robinson, Director of Mental Health, Mental Health Counselors, Inmate Affairs & Ombuds Unit MS. Shevondah Fields, and officer MS. Thomas D.R. investigator, as well as Counselor MS. Norris. Plaintiff seek punitive damages in the amount of \$ 200,000 for violation of Human Rights, Constitutional Rights 4th, 14th & 8th Amendment, Plaintiff further seeks damages for procedural due process violation, violation of freedom from unlawful detainment against my own free will inside solitary confinement thus the fourth time officials have committed this unlawful action against me in willful disregard to human rights of prisoner and citizen of the United States, Plaintiff seeks \$ 25,000 for those violations and \$ 30,000 for pain & suffering and for being denied mental health treatment and mental health medication. Plaintiff demands injunction relief in that all property, assets, and banking accounts be placed on hold that defendants may have until payment is [redacted] paid in full. Plaintiff seek damages from all defendants as a whole and individually. On this 26th day of August 2013 Plaintiff seeks attorney fees of \$ 60,000

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA

CERTIFICATE OF SERVICE:

This is to certify that I have this day served a true and correct copy of the motion for summary judgement by placing in the U.S. prison mailbox in a proper addressed envelope with adequate postage thereon to the following address:

This 26th day of August 2013

PERSON(S) SERVED:

Clerk U.S. District Court
Post Office Box 1130
Augusta, GA 30903

151 Jerome Curry #1291270
Jerome Curry #1291270
Johnson Prison Prison
P.O. Box 344
Wrightsville, GA 31096

CONFIDENTIAL
Offender GRIEVANCE FORM

Attachment 1
SOP IIB05-0001

INSTITUTIONAL STAFF USE ONLY			
OFFENDER NAME	<u>Jerome Curry</u>	OFFENDER NUMBER	<u>1291270</u>
INSTITUTION	<u>JOHNSON STATE PRISON</u>	GRIEVANCE NUMBER	
DATE COMPLETED FORM RECEIVED FROM OFFENDER	<u>8/13/13</u>	BY	
DATE APPEAL RECEIVED		BY	

THIS FORM MUST BE COMPLETED IN INK. YOU MUST INCLUDE SPECIFIC INFORMATION CONCERNING YOUR GRIEVANCE TO INCLUDE DATES, NAMES OF PERSONS INVOLVED, AND WITNESSES.

DESCRIPTION OF INCIDENT:

On August 13, 2013 Warden Butts came to my cell inside J-1 Unit Cell 210 and got Sgt. Farman, and had him make me get shave by another inmate knowing that I have a no shaving profile and get sores on my face everytime that I do shave with or without a razor Warden Butts further stated to me that he have the power to take away my shaving profile. I further advised Warden Butts of the fact that I have been inside of J-1 Unit cell 210-13 since August 8, 2013 without being served or given notice of charges nor was there any charges filed against me this violating my due process rights in which he stated I have no rights. This violation of due process, unlawful detainment, violation of procedural due process, freedom of liberty from unlawful detainment and violation of 8th Amendment Rights to U.S. Const, Human Rights

RESOLUTION REQUESTED:

I would like to request that Warden Butts be layed off without pay punished to the fullest degree that the law allows for the knowingly and willingly violation of my constitutional rights, civil rights, human rights and rights as a citizen of the United States and I request that I receive punitive damages for pain and suffering, violation of 8th Amendment Rights, violation of due process, procedural due process, violation of freedom from unlawful detainment and Cruel and Unusual Punishment in willful disregards to human rights of prisoner. And violating 4th and 14th Amendment to the United States Constitution.

Jerome Curry #1291270 8/13/13
OFFENDER Signature Date

Is this grievance being filed within the 10 day time limit? Please answer Yes or ☐ No . If the answer is No, please explain why.

RECEIPT FOR GRIEVANCE AT COUNSELOR'S LEVEL

OFFENDER'S NAME: _____ I.D. #: _____

ACKNOWLEDGE RECEIPT OF GRIEVANCE FORM FROM THE ABOVE OFFENDER.

DATE: ____/____/____ COUNSELOR'S SIGNATURE _____

RETENTION SCHEDULE: - Upon completion of this form, it will be placed in a file in the Grievance Coordinator's office.

PI-2001 (REV. 10/01/98)

GRIEVANCE APPEAL FORM

ATTACH
SOP IIE

Jerome Curry
OFFENDER NAME

1291270
I.D. NUMBER

145971
GRIEVANCE NUMBER

I reject the Warden /Superintendent's response to my grievance. The basis for this appeal is as follows:

I, Jerome Curry #1291270 do not accept the Warden's response to my grievance to the fact that I have not spoken with anyone concerning this matter at all what in the Warden's response he stated that he have taken steps to ensure that this does not occur in the future. What steps has he taken to ensure that this does not occur in the future because I have not heard or seen any steps that he stated that I took. No one talked with me about this grievance at all whatsoever I have a right know by what standards or law & procedure that the Warden took in order to carry this wrongful action. The only thing I have as an proof of what the Warden done the statement made by the warden in the response towards my grievance. I request the action be taken in this matter and I request as a manner of due process to know result of the Judgment and actions ordered upon officials [redacted] for their misconduct. Furthermore officer Brown was not suppose to give out legal mail in the first place that mailroom officials job to do that. I request that they be punished to the fullest degree of law & procedures so that this will not take place in the future.

NOTE: The option to appeal a proposed resolution rests with the grievant. All grievant indicating a desire for appeal will be forwarded to the next level. However, to allow a review of all issues the grievant wishes considered, he or she should state these reasons clearly in the appeal. Statements such as "not satisfied" or "appeal further" will result in a general review. If for some reason this appeal is being submitted later than allotted time frame, please state clearly reasons why if you wish for this appeal be considered. This appeal form along with the grievance form must be submitted to your Counselor or Grievance Coordinator.

INMATE'S

SIGNATURE: Jerome CurryDATE: 5/1/13

(Reproduced from)

RECEIPT FOR GRIEVANCE AT COUNSELOR'S LEVEL

INMATE'S NAME:

I.D. #:

I ACKNOWLEDGE RECEIPT OF GRIEVANCE APPEAL NUMBER

FROM THE ABOVE INMATE.

DATE: ____/____/____

COUNSELOR'S SIGNATURE _____

PI-2001 (REV. 10/01/98)

RETENTION SCHEDULE: Upon completion, a copy of this form will be placed in a file in the Grievance Coordinator's office.

THIS FORM
OF PERSONS.

DESCRIPTIC

March 12-13

Officer Brown

C.I. Unit

ent of Jus

Mail room

March 14, 2013

5:55 to 1:15

C.I.

1/13

Date

no limit? Please answer



Georgia Department of Corrections
Office of Investigations and Compliance
Inmate Affairs and Ombudsman Unit
P.O. Box 1529
Forsyth, Georgia 31029

ATTACHMENT 9
SOP IIB05-0001

Curry Keep

Nathan Deal
Governor

Brian Owens
Commissioner

CENTRAL OFFICE APPEAL RESPONSE

Offender's Name: Curry, Jerome

Grievance Number: 151818

GDC#: 1291270

Facility: Johnson S.P.

RESPONSE TO APPEAL:

A member of my staff has reviewed your grievance. Our review revealed that you failed to follow the proper procedure for filing this grievance. The Statewide Grievance Procedure policy states that an offender may not file a grievance concerning involuntary assignment to administrative segregation. Due to your failure to follow policy, the Office of Inmate Affairs and Appeals will not address this grievance.

Lisa Fountain

Lisa Fountain, Interim Manager
Inmate Affairs and Ombudsman

08/07/2013

(date)

I ACKNOWLEDGE RECEIPT OF THE ABOVE RESPONSE ON THIS DATE:

Jerome Curry

Offender's signature

8/16/13

(date)

CONFIDENTIAL
Offender GRIEVANCE FORM

Attachment 1
SOP IIB05-0001

INSTITUTIONAL STAFF USE ONLY			
OFFENDER NAME	<u>Jerome Curry</u>	OFFENDER NUMBER	<u>1291270</u>
INSTITUTION	<u>JOHNSON STATE PRISON</u>	GRIEVANCE NUMBER	<u>151818</u>
DATE COMPLETED FORM RECEIVED FROM OFFENDER	<u>6/24/13</u>	BY	<u>[Signature]</u>
DATE APPEAL RECEIVED	<u>7-17-13</u>	BY	<u>[Signature]</u>

THIS FORM MUST BE COMPLETED IN INK. YOU MUST INCLUDE SPECIFIC INFORMATION CONCERNING YOUR GRIEVANCE TO INCLUDE DATES, NAMES OF PERSONS INVOLVED, AND WITNESSES.

DESCRIPTION OF INCIDENT:

On June 1, 2013, I asked Counselor Mrs. Lumpkin what was the reason for her giving me a false statement concerning me being able to go to a T.C. Center (Work Release) and she placed me in the hole without any Disciplinary Charges. I was never served nor issued any Disciplinary charges. Thus violating my fifth & fourteenth Amend. Right to due Process of Law under the U.S. Constitution Supreme law of the land. On June 5, 2013, I advised warden Jones of this fact in which he stated to me that they do not have to charge me with anything yet I still can be held inside of the hole without any paperwork and that I have no rights to due Process of Law the S.O.P states charges must be served upon inmate within 24 hours of the date of offense in which I have been denied. Counselor's further failed to turn this grievance in for me while inside of hole.

RESOLUTION REQUESTED:

I would like to be released back to the west-Yard D-I-A- so that I can still be able to go to the Law Library to study for my Pending Civil Rights lawsuit for false Arrest/ False imprisonment due to the fact that I am limited while inside of J-1 in which I am being held against my own free-will in further violating my Constitutional Rights to Due Process fifth and fourteenth Amendment to the United States Constitution in which is Supreme law of the land which must be followed in which no other law can change, modify, or abolished

Jerome Curry
OFFENDER Signature

June 5, 2013
Date

Is this grievance being filed within the 10 day time limit? Please answer Yes or ☐ No . If the answer is No, please explain why.

WARDEN'S/SUPERINTENDENT'S GRIEVANCE RESPONSE

Offender's Name: **Curry, Jerome** Grievance Number: **151818**
GDC #: **1291270** Facility: **Johnson State Prison**

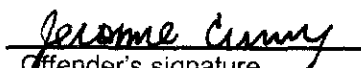
RESPONSE TO GRIEVANCE:

Rejected - Involuntary assignment to segregation is a non-grievable issue.


Warden's/Superintendent's signature

7/10/13
(date)

I ACKNOWLEDGE RECEIPT OF THE ABOVE RESPONSE ON THIS DATE:


Offender's signature

7/16/13
(date)

You have seven (7) calendar days within which to appeal this Response to your Grievance Coordinator. If the last day is not a business day at your institution, you may file it on the next day that is a business day.

WARDEN'S/SUPERINTENDENT'S GRIEVANCE RESPONSE

Offender's Name: **Curry, Jerome** Grievance Number: **153514**
GDC #: **1291270** Facility: **Johnson State Prison**

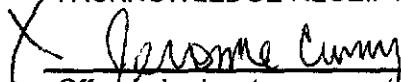
RESPONSE TO GRIEVANCE:

You received Mental Health services on 6/3/13, 6/5/13, 6/12/13, 6/19/12 and 7/8/13. Medicaiton was discontinued by Psychiatrist Dr. McKinnon on 12/13/12 due to history of non-compliance.


Warden's/Superintendent's signature

8/6/13
(date)

I ACKNOWLEDGE RECEIPT OF THE ABOVE RESPONSE ON THIS DATE:

X 
Offender's signature

8/16/13
(date)

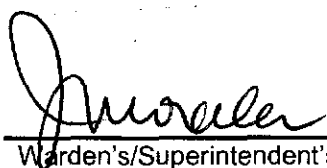
You have seven (7) calendar days within which to appeal this Response to your Grievance Coordinator. If the last day is not a business day at your institution, you may file it on the next day that is a business day.

WARDEN'S/SUPERINTENDENT'S GRIEVANCE RESPONSE

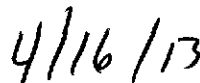
Offender's Name: **Curry, Jerome** Grievance Number: **145506**
GDC #: **1291270** Facility: **Johnson State Prison**

RESPONSE TO GRIEVANCE:

This grievance is rejected; the dates in question, were involuntary assignments to administration, which are not grievable.



Warden's/Superintendent's signature



(date)

I ACKNOWLEDGE RECEIPT OF THE ABOVE RESPONSE ON THIS DATE:

Offender's signature

(date)

You have seven (7) calendar days within which to appeal this Response to your Grievance Coordinator. If the last day is not a business day at your institution, you may file it on the next day that is a business day.

DISCIPLINARY REPORT WORK SHEET

51
mH 393941

Johnson State Prison

INSTITUTION NAME

545

CODE #

TPM/ MAX DATE

I. Offender:

Curry, Jerome

Name: Last, First, M.I.

Medium

Security

1291270

ID Number

II. Offense Data:

A. Charge

Charge	Code	Plea	Finding	Charge	Code	Plea	Finding
1 Insubordination	B-13	NG	G	4			
2 Failure to Follow	C-15	NG	G	5			
3 Instructions				6			

6/01/13

Date

1600

Time of Offense

Chief Counselor Tracey Lumpkin

Chief Counselor Tracey Lumpkin

Signature of Reporting Official

B. Factual Statement:

While monitoring inmates exit the Chow Hall, on the West Side Walk inmate Jerome Curry #1291270 repeatedly stated to me in a hostile tone "Why you lie on me & said I have pending charges?" Inmate was instructed to be quiet & keep walking. He ignored me & continued to yell @ me "You lied. I couldn't go to a TC, you just lied. You let those white boys go to a TC. I don't care. I'll do my last 90 days in the he"

C. Reviewed by the appropriate Supervisor

Jordan Wicker

Signature

6/1/2013
mo. dy. year

D. Charges served on accused:

6/2/13 0800

mo.

dy.

yr.

time

Sgt. Byron Hall / Sgt. Byron Hall

Signature of Official

III. Investigative Report:

A. Summary of Investigation

Based upon factual statement I recommend to be forward to hearing officer. mental health eval responsible

B. Title: COIT Signature: off. June Thompson off. Tammie Thompson 6-24-13
mo. dy. year

C. Advocate's Name: Ladeisha Norris / Ladeisha Norris

IV. Hearing Officer's Recommendation:

Greatest High Moderate Low
17/11/13 6-26-13
Signature mo. dy. year

V. Disposition of Disciplinary Hearing:

A. Justification for findings: Based on factual statement.

B. Action Recommended: 7 day's ISO probation for 30 day's
10 day's store, phone, & package restrictions

C. T.P.M. extension: NO Isolation 7 day's ISO probation for 30 days

VI. Relief

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

I seek punitive damages in the amount of \$50,000 compensatory damages in the amount of \$50,000, Nominal damages in the amount of \$10,000 and Attorney Fees in the Amount of \$60,000 for all the Damages that I suffered by the Defendants in this case. I request Summary judgment towards this matter, I further request injunction relief and that all defendants banking accounts, property, assets, etc. be placed on hold until payment is paid in full. I request all defendants within this Complaint be punished to the fullest degree that the law allows for willful misconduct and malicious conduct done against me in violating my Civil Rights so that they will not do such actions against anyone else. I further request that all Defendants be placed on leave without pay for malicious Conduct and willful actions

I declare under penalty of perjury that the foregoing is true and correct

Signed this 26th day of August, 2013

Prisoner No. 1291270

Jerome Cummy #1291270
(att)

Dear: Honorable clerk of Court;

I'm writing this Honorable Court requesting that you please file this § 1983 Application on my behalf and send back documentation stating that Application has been accepted and filed on my behalf. Thank you for your time and truthful assistance may you have a peaceful and blessed day.

Sincerely,

151 Jerome Cunningham #1291270

Jerome Cury #1291270
Johnson State Prison / P.O. Box 344
Wrightsville GA 31791

"Legal OPEN TO ADDRESSEE ONLY"

Clerk of Court
United States District Court
Southern District of Georgia
P.O. Box 1130
Augusta, GA 30903

Macron P&DC XX 310
WED 28 AUG 2013 AM

